

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

SHYANDREA AND MARY  
HESTER, et al.,

Plaintiffs,

V.

LOWNDES COUNTY COMMISSION,  
CHRISTOPHER BROWN,  
EMERGSTAT, DEPUTY JIMMY  
HARRIS, et al.,

Defendants.

CIVIL ACTION NO.:  
CV-06-572-WHA

**PLAINTIFF'S OBJECTION TO DEFENDANTS' WITNESS AND EXHIBIT LIST**

COMES NOW the Plaintiff, Shyandrea Hester, by and through her counsel of record Tyrone Townsend and objects to Defendants' Witness and Exhibit List. As grounds for said opposition, Plaintiff shows as follows:

1. On June 15, 2007, counsel for the Plaintiff received Defendants' Witness and Exhibit List.
2. Included within said Witness and Exhibit List, was Edgar Calloway, Defendant's expert witness.
3. The Plaintiff has not had the opportunity to depose Mr. Calloway, nor has counsel for the Defendants at any time provided any dates on which he would be available for the Plaintiff to take his deposition.
4. In fact Defendants did not provide their expert witness disclosure until May 2, 2007, the deadline for Defendants to make such a disclosure.

5. Additionally, even if Defendants had made earlier disclosure of their expert witness and even made him available for deposition, the lack of Defendants' responses to the Plaintiff's timely discovery requests significantly limits Plaintiff's ability to fully examine Mr. Calloway as an expert witness.
6. Due to the lack of the Mr. Calloway's availability for deposition, and the timing of Defendants' expert witness disclosure, the Plaintiff has not had adequate opportunity to discover Mr. Calloway's technical background, nor the basis for his conclusions in Defendants' expert witness disclosure.

**WHEREFORE PREMISES CONSIDERED**, the Plaintiff respectfully objects to Edward Calloway as Defendants' expert witness and requests this Court to deny Defendants the opportunity to call Mr. Calloway as an expert witness at trial.

Respectfully submitted,

s/Tyrone Townsend

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document on all counsel of record by placing a copy of the same in the U.S. mail, postage prepaid and properly addressed on this the 15th day of June, 2007, as follows:

Celeste P. Holpp, Esq.  
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Respectfully submitted,

s/Tyrone Townsend

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